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PATENT &amp; TRADEMARK OFFICE

TRANSMITTAL LETTER			Case No. 6298/431
Serial No. 10/606,442	Filing Date June 25, 2003	Examiner Unknown	Group Art Unit 3761
Inventor(s) G. Baran			
Title of Invention Nebulizing Catheter System And Methods Of Use And Manufacture			

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); First Supplemental Information Disclosure Statement; PTO Form 1449.

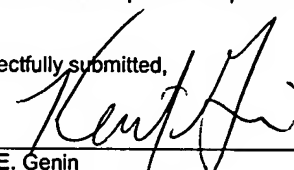
- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=			x \$18=	
x 43=			x \$86=	
+\$145=			+\$290=	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
 Kent E. Genin  
 Registration No. 37,834  
 Attorney for Applicant  
 Customer No. 00757 - Brinks Hofer Gilson Lione

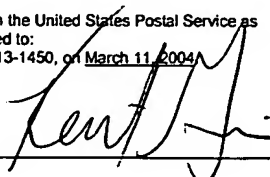
BRINKS HOFER GILSON & LIONE  
 P.O. BOX 10395  
 CHICAGO, ILLINOIS 60610  
 (312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
 Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 11, 2004.

Date:

3/11/2004

Signature:





# **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

3/11/2003

Date of Deposit

Kent E. Genin

Name of Applicant, Assignee or  
Registered Representative

*Kent E. Genin*

Signature

3/11/2003

Date of Signature

Our Case No.: 6298/431

## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

G. Baran

Serial No.: 10/606,442

Filing Date: June 25, 2003

For: NEBULIZING CATHETER  
SYSTEM AND METHODS OF USE  
AND MANUFACTURE

Examiner: Unknown

Group Art Unit No.: 3761

### **FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this First Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record.

All of the references listed below and on the enclosed PTO-1449 were previously cited in prior Application Serial No. 09/265,603 to which Applicant claims priority under 35 U.S.C. § 120. Accordingly, copies of these previously cited references are not provided in this Information Disclosure Statement as permitted by 37 C.F.R. § 1.98(d).

The references now cited are the following:

### **U.S. PATENTS**

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
442,785	12/1890	Schoettl
606,240	06/1898	Prescott
790,318	05/1905	Sams
817,819	04/1906	Walkup
970,576	09/1910	Trautmann
1,786,394	12/1930	Tracy
1,990,824	02/1935	Gustafsson
2,019,941	11/1935	Tracy
2,029,423	02/1936	Gustafsson
2,070,695	02/1937	Tracy
2,070,696	02/1937	Tracy
2,204,599	06/1940	Jenkins
2,235,708	03/1941	Jenkins
2,271,779	02/1942	Peeps
2,633,908	04/1953	Brierly
2,646,314	07/1953	Peeps
2,814,530	11/1957	Portillo
2,942,790	06/1960	Starkey et al.
3,269,389	08/1966	Meurer et al.
3,306,289	02/1967	Cameto et al.
3,484,044	12/1969	Dombruch et al.
3,762,409	10/1973	Lester
3,812,854	05/1974	Michaels et al.
4,265,237	05/1981	Schwanbom et al.
4,273,293	06/1981	Hastings
4,495,946	01/1985	Lemer
4,502,482	03/1985	DeLuccia et al.
4,519,388	05/1985	Schwanborm et al.
4,520,812	06/1985	Freitag et al.
4,567,882	02/1986	Heller
4,632,108	12/1986	Geil

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
4,681,100	07/1987	Brychta et al.
4,580,371	04/1986	Akhavi
4,976,261	12/1990	Gluck et al.
5,054,423	10/1991	Escobal
5,143,062	01/1992	Foley
5,318,517	06/1994	Reiman
5,544,648	08/1996	Fischer, Jr.
5,565,241	10/1996	Mathias et al.
6,119,954	09/2000	Kamath
6,322,003	11/2001	Haruch
6,526,976	03/2003	Baran
6,595,202	07/2003	Ganan-Calvo

### **OTHER ART**

Japanese Unexamined Utility Model Application Publication No. S46-21488, published July 24, 1971.

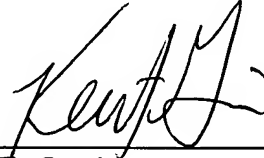
Japanese Unexamined Patent Application Publication No. S59-186563, published October 23, 1984

In accordance with 37 C.F.R. § 1.97(g),(h), this First Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This First Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this First Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent E. Genin", written over a horizontal line.

Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-4200



FORAM TO-1449	SERIAL NO. 10/606,442	CASE NO. 6298/431
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE June 25, 2003	GROUP ART UNIT 3761
(use several sheets if necessary)	APPLICANT(S): G. Baran	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	442,785	12/1890	Schoettl		
	B2	606,240	06/1898	Prescott		
	B3	790,318	05/1905	Sams		
	B4	817,819	04/1906	Walkup		
	B5	970,576	09/1910	Trautmann		
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	B9	2,029,423	02/1936	Gustafsson		
	B10	2,070,695	02/1937	Tracy		
	B11	2,070,696	02/1937	Tracy		
	B12	2,204,599	06/1940	Jenkins		
	B13	2,235,708	03/1941	Jenkins		
	B14	2,271,779	02/1942	Peeps		
	B15	2,633,908	04/1953	Brierly		
	B16	2,646,314	07/1953	Peeps		
	B17	2,814,530	11/1957	Portillo		
	B18	2,942,790	06/1960	Starkey et al.		
	B19	3,269,389	08/1966	Meurer et al.		
	B20	3,306,289	02/1967	Cameto et al.		
	B21	3,484,044	12/1969	Dombruch et al.		
	B22	3,762,409	10/1973	Lester		
	B23	3,812,854	05/1974	Michaels et al.		
	B24	4,265,237	05/1981	Schwanbom et al.		
	B25	4,273,293	06/1981	Hastings		
	B26	4,495,946	01/1985	Lemer		
	B27	4,502,482	03/1985	DeLuccia et al.		
	B28	4,519,388	05/1985	Schwanborm et al.		
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	B30	4,567,882	02/1986	Heller		
	B31	4,632,108	12/1986	Geil		
	B32	4,681,100	07/1987	Brychta et al.		
	B33	4,580,371	04/1986	Akhavi		
	B34	4,976,261	12/1990	Gluck et al.		
	B35	5,054,423	10/1991	Escobal		
	B36	5,143,062	01/1992	Foley		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**MAR 15 2004**  
**U.S. PATENT & TRADEMARK OFFICE**

Page 2 of 2

<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	<b>SERIAL NO.</b> <div style="text-align: right;">10/606,442</div>	<b>CASE NO.</b> <div style="text-align: right;">6298/431</div>
	<b>FILING DATE</b> <div style="text-align: right;">June 25, 2003</div>	<b>GROUP ART UNIT</b> <div style="text-align: right;">3761</div>
<b>APPLICANT(S):</b> G. Baran		

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B37	5,318,517	06/1994	Reiman		
	B38	5,544,648	08/1996	Fischer, Jr.		
	B39	5,565,241	10/1996	Mathias et al.		
	B40	6,119,954	09/2000	Kamath		
	B41	6,322,003	11/2001	Haruch		
	B42	6,526,976	03/2003	Baran		
	B43	6,595,202	07/2003	Ganan-Calvo		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>	
	B44	Japanese Unexamined Utility Model Application Publication No. S46-21488, published July 24, 1971.
	B45	Japanese Unexamined Patent Application Publication No. S59-186563, published October 23, 1984

EXAMINER	DATE CONSIDERED
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